

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Wassim Abedrabbo	Team: Squad #9	CCRB Case #: 202005716	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/30/2020 10:34 PM	Location of Incident: In front of 60 East 13th Street; Unknown	Precinct: 06	18 Mo. SOL 11/30/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sun, 08/09/2020 8:08 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 08/19/2020 11:16 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. PO Leonel Giron	21368	959658	SRG 1

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. CPT Stephen Spataro	00000	939513	PBMS SU
2. POM Adam Muniz	31861	955234	SRG 1
3. PO Nicholas Terrett	20643	964314	001 PCT
4. CPT Tommy Keung	00000	942001	013 PCT
5. LT Mark Dumelle	00000	943197	102 PCT
6. SGT Brian Verkay	02358	935930	SRG 1
7. POM David James	11580	961834	006 PCT
8. PO Luigi Tirro	05819	964803	001 PCT
9. LT Robert Cattani	00000	944424	MTS PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: In front of 60 East 13th Street in Manhattan, an officer used physical force against § 87(2)(b)	
B. PO Leonel Giron	Abuse: At an unknown location, Police Officer Leonel Giron damaged § 87(2)(b)'s property.	

### Case Summary

On August 9, 2020, Sergeant Kevin Hibbert of IAB Group 12 contacted the IAB command center and requested that a spin-off CCRB complaint of IAB case number M-20-984 be created. On August 19, 2020, log number 20-19243 was received at the CCRB.

On May 30, 2020, § 87(2)(b) was on assignment for a § 87(2)(b) news and media content agency, § 87(2)(b), covering the 2020 Police Brutality Protests in New York City. After receiving a “tip” about protest activity in the vicinity of East 13<sup>th</sup> Street and Broadway in Manhattan via twitter, § 87(2)(b) arrived there at approximately 10:34 p.m. In front of 60 East 13<sup>th</sup> Street, just West of Broadway, a line of NYPD officers began to apprehend civilian protestors standing on the roadway. As they did so, an officer allegedly approached § 87(2)(b) and pushed him against his chest to the ground with their baton (**Allegation A: Force – Physical force,** § 87(2)(g)). After he was on the ground, three to four officers immediately began to restrain him by pulling his hands behind his back and placing him in handcuffs.

§ 87(2)(b) was removed to One Police Plaza, where he was processed, issued a Desk Appearance ticket, and then released at approximately 8:30 a.m. After being returned his belongings, § 87(2)(b) saw that the lens of one of his cameras was cracked (**Allegation B: Abuse of Authority – Property Damage,** § 87(2)(g)).

§ 87(2)(b) was arrested in relation to this incident; however, the Manhattan DA’s office declined to prosecute the arrest and all other unlawful assembly and disorderly conduct arrests, as announced via the June 5, 2020, press release (**Board Review 01**) (**Board Review 02**). NYPD Body-Worn Camera (BWC) video was obtained in relation to this incident (**Board Review 03**).

### Findings and Recommendations

#### **Allegation (A) Force: In front of 60 East 13<sup>th</sup> Street in Manhattan, an officer used physical force against § 87(2)(b)**

During his CCRB interview, § 87(2)(b) stated that he was on the roadway of East 13<sup>th</sup> Street taking photos of the 2020 Police Brutality Protests when an officer approached him holding their baton with a hand at each end, parallel to the ground and pushed him against his chest (**Board Review 04**). The push forced § 87(2)(b) to fall to the ground on his backside, at which time three to four officers restrained him on the ground and placed him in handcuffs by pulling his arms behind his back. When he was picked up off the ground, § 87(2)(b) was already in handcuffs.

The investigation obtained BWC video footage captured by the camera of Lieutenant Mark Dumelle of the 102<sup>nd</sup> Precinct (**Board Review 05**). At the start of the video, specifically the six-second mark, an officer in a white shirt, identified as Lieutenant Robert Cattani of Manhattan North Precinct – 014, grabs § 87(2)(b) and pulls him by the arm to a “large” police officer. § 87(2)(b) is depicted wearing a black t-shirt and white mask. § 87(2)(b) then comes into frame again at 16 seconds and is depicted from behind. His hands are not seen behind his back. At that time, multiple officers are grabbing hold of § 87(2)(b) and he is standing upright. The investigation determined that this occurred between 10:29:47 p.m. and 10:29:57 p.m. according to the on-screen real-time timestamp. § 87(2)(b) is upright the entire time he is depicted in the video.

The investigation also obtained BWC video from the camera of Captain Tommy Keung of the 13<sup>th</sup> Precinct (**Board Review 06**). § 87(2)(b) is first depicted at the 2:35 minute-mark, and is wearing a black t-shirt, white mask, a lanyard with “Sony” on it, and a blue lanyard. When § 87(2)(b) is first depicted, he is standing up and his arms are held by uniformed members of service, but he is not handcuffed. At 2:37, his hands are brought behind his back. He is then seemingly placed in handcuffs while in an upright position. § 87(2)(b) is fully out of the frame at 2:43 and does not come back into the frame. The investigation determined that this occurred between 10:29:59 p.m. and 10:30:08 p.m. § 87(2)(b) is upright the entire time he is depicted in the video.

§ 87(2)(g)

§ 87(2)(b) The video shows that his initial interaction with officers was while he

was standing up right and unhandcuffed; after which, the investigation has a different angle depicting him being placed in handcuffs in the upright position.

§ 87(2)(g)

**Allegation (B) Abuse of Authority: At an unknown location, Police Officer Leonel Giron damaged § 87(2)(b)'s property.**

It is undisputed that prior to § 87(2)(b) being placed on the corrections bus, PO Giron, the arresting officer, placed § 87(2)(b)'s property, including his professional cameras, into § 87(2)(b)'s backpack. It is also undisputed the PO Giron returned § 87(2)(b)'s belongings to him

During his CCRB statement, § 87(2)(b) stated that when his property was taken from him, there was not any damage to his cameras (**Board Review 04**). He noticed damage to his camera lens after he was issued a DAT and released from One Police Plaza. He did not know how his camera was damaged.

In his June 5, 2020, interview with "Photography Daily," § 87(2)(b) stated that his belongings were "packed neatly" into his backpack, but when he was given his property back his "UV filter" lens was cracked (**Board Review 09**).

The damage to § 87(2)(b)'s camera lens is pictured on page three of the § 87(2)(b) article (**Board Review 07**).

PO Giron stated that he initially took, then returned § 87(2)(b)'s property after he was released with a desk appearance ticket (**Board Review 08**). He did not cause damage to any of § 87(2)(b)'s property at any point while he had the property. He did not recall whether any of § 87(2)(b)'s camera lenses were damaged when they came into his possession.

§ 87(2)(g)

**Civilian and Officer CCRB Histories**

- § 87(2)(b)
- PO Giron has been a member of service for six years and has been a subject in one other CCRB complaint and two allegations, none of which were substantiated (see officer history), § 87(2)(g)

**Mediation, Civil, and Criminal Histories**

- This complaint was not suitable for mediation due to the pending civil lawsuit.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming mental anguish, emotional distress, suffering, other psychological injuries, and more, and seeking \$1,000,000 as redress (**Board Review 12**). A 50H hearing has not yet been scheduled.
- § 87(2)(b)

---

Squad: 09

Investigator: Wassim Abedrabbo SI Wassim Abedrabbo 11/17/2021  
Signature Print Title & Name Date

Squad Leader: Monique West IM Monique West 11/23/2021  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date